

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

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Attorneys for Defendant, HYATT CORPORATION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GLENN A. BRYAN,

Plaintiff,

v.

HYATT CORPORATION, a Delaware  
Corporation dba MANCHESTER GRAND  
HYATT, and JANE DOE (Hyatt Spa  
Massachusetts),

Defendants.

CASE NO. 08-CV-0182 (IEG) BLM

**INITIAL DISCLOSURES BY DEFENDANT  
HYATT CORPORATION, A DELAWARE  
CORPORATION DBA MANCHESTER  
GRAND HYATT**

**[F.R.C.P. Rule 26 Initial Disclosures]**

Defendant Hyatt Corporation dba Manchester Grand Hyatt, by and through its attorneys of record, submits the following Initial Disclosures pursuant to Federal Rules of Civil Procedure, Rule 26(a)(1).

**PRELIMINARY STATEMENT**

Defendant has not fully completed discovery or preparation of this case. Therefore, the information provided below is given without prejudice to Defendant's rights to rely on evidence subsequently discovered, or to alter its disclosures, if necessary. Defendant reserves the right to offer into evidence in the proceedings and pleadings before this Court or at trial, documents that are not currently included in this disclosure but which, after further discovery, may be deemed relevant in support of its position in this lawsuit. Documents covered by proprietary, confidential, trade secret or privacy interests will be produced only subject to a protective order.

## INITIAL DISCLOSURES

### I. Federal Rule of Civil Procedure 26.1(a)(A) Witness Disclosures

Pursuant to Federal Rule of Civil Procedure 26.1(a)(A), Defendant provides the following disclosures of individuals currently known who are likely to have discoverable information that disclosing parties may use to support their defenses, unless solely for impeachment:

- a. April Nakamura;
- b. PMK from Regency Day Spa & Salon

### II. Federal Rule of Civil Procedure 26.1(a)(B) Document Disclosures

Pursuant to Federal Rules of Civil Procedure 26.1(a)(B), Defendant hereby discloses the following document in this matter. Defendant may use the following documents and things to support its claim or defenses. Defendant reserves the right to amend this response as more information and documents become available through discovery:

- a. May 9, 2006 Massage Schedule (redacted);
- b. May 9, 2006 Massage Schedule of April Nakamura;
- c. May 9, 2006 Regency Day Spa & Salon Massage Receipt, Invoice No. 00026339.

### III. Federal Rules of Civil Procedure 26.1(a)(C) Computation of Damages

Pursuant to Federal Rule of Civil Procedure 26.1(a)(C), Defendant contends there are no damages to Plaintiff for which it is liable based upon its contention that Defendant's actions here and at all times were lawful. Defendant also claims indemnity, apportionment and equitable contribution from co-defendants only.

### IV. Federal Rule of Civil Procedure 26.1(a)(D) Insurance Disclosures

Pursuant to Federal Rule of Civil Procedure, Rule 26.1(a)(D), Defendant makes the following disclosure. Defendant has tendered its defense to the insurance carrier of April Nakamura. This tender has been accepted and Ms. Nakamura's insurance carrier is providing a defense and coverage. Defendant is informed and believes that Ms.

1 Nakamura has a professional liability policy with Chicago Insurance Company, policy  
2 number AHC 2006538 with effective dates of January 1, 2006 to January 1, 2007 and  
3 limits of liability of \$2,000,000 for each incident and \$6,000,000 in the aggregate. A copy  
4 of the policy will be made available for inspection upon reasonable request.

5 Defendants reserve the right to supplement this Disclosure if and when other  
6 facts, evidence and witnesses become know to them through discovery or investigation.

7  
8 DATED: 3/25/08

LEWIS BRISBOIS BISGAARD & SMITH, LLP

9  
10 By

Brian A. Rawers  
11 Brian A. Rawers  
12 Attorneys for Defendant  
13 AMERICAN MASSAGE THERAPY and HYATT  
14 CORPORATION  
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**FEDERAL COURT PROOF OF SERVICE**

Bryan v. Hyatt Corporation, et al. - File No. 08-cv-0182 (IEG) BLM

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 550 West "C" Street, Suite 800, San Diego, California 92101. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On March 26, 2008, I served the following document(s):

**INITIAL DISCLOSURES BY DEFENDANT HYATT CORPORATION**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Richard A. Joslin  
Collins Einhorn Farrell & Ulanoff  
4000 Towne Center, Suite 909  
Southfield, MI 48075-1473

The documents were served by the following means:

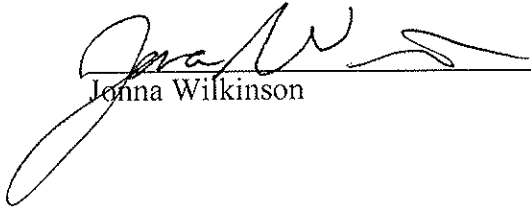
[X] (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

[X] (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and (specify one):

[X] Placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope of package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 26, 2008, at San Diego, California.

  
Jenna Wilkinson